

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

ORDER

Haroon

Vs. State of Rajasthan & Ors.

S.B.CR. REVISION PETITION NO.291/2007

DATE OF ORDER

□ □
□ □

August 09, 2007

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.S.K.Poonia, for the petitioner.

Mr.Vishal Raj Mehta, P.P. for the State.

Mr.N.A.Rajpurohit, for the respondents No.2 to 5.

BY THE COURT:

By the instant revision petition under section 397 read with section 401 Cr.P.C., the petitioner-complainant has challenged the order dt. 14.3.2007 passed by the Chief Judicial Magistrate, Churu (for short 'the trial court' hereinafter) whereby the trial court closed the complainant-petitioner's pre-charge evidence.

Heard learned counsel for the parties. Perused the order impugned as also the record of the trial court.

It appears that the petitioner has availed several

opportunities earlier also to lead the pre-charge evidence. From the record, it also appears that the matter has been carried to this Court on various occasions even by the accused-respondents challenging the various orders and the matter of 1999 could not have been decided. By an ad interim order dt. 9.4.2007, further proceedings of the trial court have been stayed and, therefore, the matter has not been concluded.

Learned counsel for the petitioner submits that the petitioner may be afforded one more opportunity to lead the pre-charge evidence by examining himself and producing his witnesses on the next date, whichever is fixed by the trial court.

Having regard to the peculiar facts and circumstances of the case, in my view, ends of justice would be met if the petitioner is afforded one more opportunity to lead the pre-charge evidence.

Consequently, the revision petition is allowed. Order impugned is set aside and the trial court is directed to record the pre-charge evidence of the petitioner and his witnesses if produced on the next date fixed by the trial court. However, no further opportunity will be granted if the petitioner fails to produce the pre-charge evidence on the next date fixed by the

trial court.

Record of the trial court be returned forthwith.

[H.R.PANWAR],J.

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